

Bank of America



RECORDATION NO.

23398A FILED

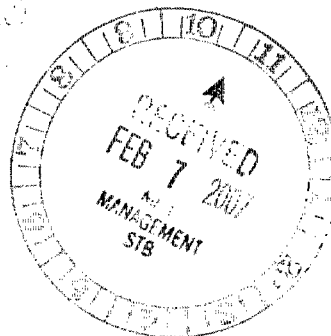
FEB 07 '07

-11 08 AM

SURFACE TRANSPORTATION BOARD

February 6, 2007

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20006



Dear Mr. Williams,

Enclosed for recordation are three (3) copies of a Memorandum of Lease Termination, dated as of January 30, 2007.

The names and address of the parties to the enclosed document are:

Lessor: Banc of America Leasing & Capital, LLC
555 California Street
San Francisco, CA 94014

Lessee: Dial & Companies, Inc.
3340 Camp Bowie
Fort Worth, TX 76107

Also enclosed is a check in the amount of \$34.00 payable to the order of the Surface Transportation Board covering the required recordation fee.

Kindly return two stamped copies of the enclosed documents to: Banc of America Leasing & Capital, LLC 555 California Street, 4th Floor, CA5-705-04-01, San Francisco, CA 94104, Attention: Anita Garfagnoli. A self-addressed return Federal Express envelope is included for your convenience.

Please contact me at 415.765.1803 or via email at anita.l.garfagnoli@bankofamerica.com with any questions.

Yours truly,

Anita Garfagnoli
Vice President

Tel: 415.765.7300

Banc of America Leasing & Capital LLC, CA5-705-04-01
555 California Street, 4th Floor, San Francisco, CA 94104

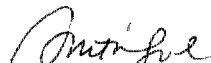
Recycled Paper

MEMORANDUM OF LEASE TERMINATION dated as of January 30, 2007 between
BANC OF AMERICA LEASING & CAPITAL, LLC ("BALC") and **DIAL &
COMPANIES, INC.** ("Dial").

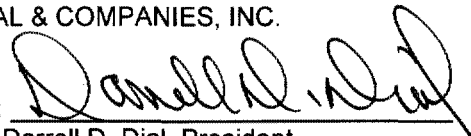
WHEREAS, BALC, as lessor and Dial as lessee entered into a Lease Agreement dated as of February 13, 2001 (the "Lease") covering three hundred thirty seven (337) aluminum BethGon Coalporter 286,000 pound gross rail load Units manufactured by Johnstown America Corporation, Freight Unit Division, in 1996 presently bearing numbers in the series COAX 4001 to COAX4345.

IN WITNESS WHEREOF, the parties wish to show for the public record that the Lease was terminated by BALC and Dial and accordingly have caused this Memorandum to be executed by their officers thereunto duly authorized.

BANC OF AMERICA LEASING & CAPITAL, LLC

By: 
Its: Vice President

DIAL & COMPANIES, INC.

By: 
Darrell D. Dial, President

Notes: on March 7, 2001 at 1:42p.m., a Memorandum of Lease Agreement dated as of February 13, 2001 was filed at the Surface Transportation Board and assigned recordation number 23398.

RECORDATION NO. 23398A FILED

FEB 07 '07 -11 08 AM

SURFACE TRANSPORTATION BOARD

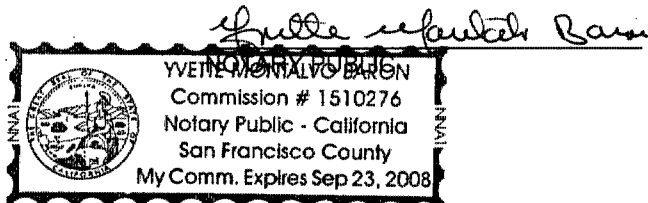
State of California)
County of San Francisco) SS.
)

BEFORE ME, the undersigned notary, on this day personally appeared Anita Garfagnoli, to me personally known who, being by me duly sworn, says that she is a Vice President of Banc of America Leasing & Capital, LLC ("Company"), that the above Memorandum of Lease Termination was signed on behalf of the said Company by authority of its Board of Directors and she acknowledged that the execution of the foregoing Agreement was the free act and deed of the said Company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of January, 2007.

[SEAL]
My Commission Expires:

State of Texas)
County of Tarrant) SS.
)



BEFORE ME, the undersigned notary, on this day personally appeared Darrell D. Dial, to me personally known who, being by me duly sworn, says that he is President of Dial & Companies, Inc. ("Company"), that the above Memorandum of Lease Termination was signed on behalf of the said Company by authority of its Board of Directors and he acknowledged that the execution of the foregoing Agreement was the free act and deed of the said Company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25th day of January, 2007.

[SEAL]
My Commission Expires:

Debra J. Simpson
NOTARY PUBLIC

